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SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE CITY AND COUNTY OF SAN FRANCISCO

PEOPLE'S TEMPLE OF THE DISCIPLES OF CHRIST, Petitioner, vs. THE ATTORNEY GENERAL OF THE STATE OF CALIFORNIA, Respondent.	No. 746-571 RECOMMENDED PLAN FOR REMOVAL, AND INTERMENT OF BODIES REMAINING AT DOVER, DELAWARE, OF INDIVIDUALS WHO DIED IN JONESTOWN, GUYANA, ON NOVEMBER 18, 1978

INTRODUCTION

THE EMERGENCY RELIEF COMMITTEE, Amicus Curiae in this action (hereinafter referred to as ERC) consists of twenty-seven (27) individuals who are representative members of the following religious organizations, or organizations which are a part of, or are related to, the following religious organizations: (1) The Northern California Board of Rabbis; (2) The Roman Catholic Archdiocese of San Francisco; and (3) the San Francisco Council of Churches. The ERC is a special association, unincorporated, and organized not-for-profit, with a direct and special interest

in the expeditious burial of all of the unburied dead, victims of the November 18, 1978 tragedy which occurred in Jonestown, Guyana. On January 8, 1979, the ERC filed its application to appear as Amicus Curiae in this action. On January 15, 1979, this Court ordered that the ERC be allowed to appear as Amicus Curiae in this proceeding.

On January 23, 1979, in open court, this Court directed the ERC to present a plan, within thirty (30) days for the transportation (from Dover, Delaware) and interment of the unburied bodies of those individuals who died at Jonestown, Guyana, on November 18, 1978. Accordingly, the ERC respectfully presents herewith its plan, in response to the Court's order.

THE PLAN

I. Criteria.

The concern of the ERC, and insofar as we can perceive it, the concern of the religious community, is that a plan be developed which will help survivors, relatives, and the whole community to work through the remaining grief, despair, hopelessness, fear, and anger so that all members of the community may return to a productive and meaningful life. The peace and psychological health of our City --- and other parts of our nation --- depends on it. Therefore, we are convinced that "cost" factors, while important, should not be the primary consideration. The most important factor is the best possible resolution of the human problems remaining as a result of the November 18, 1978 catastrophe.

Accordingly, while cremation would be far less

expensive, especially if done in Delaware, the ERC does not recommend mass cremation. Further, the United States government (hereinafter referred to as USG) strongly recommends against cremation of the unidentified bodies. Also, a plan of cremation would not solve the problems which we attempt to deal with, but would aggravate these problems. Most of the victims are black, and the black community, in general, is opposed to cremation as a method of interment. The experience of the burial of the dead is of extreme importanc in the black community, in the process of working through grief. Honoring a proper burial is crucial for the survivo of the black victims, and cremation would only add to their despair and create an anger that could have said repercussi

The ERC believes that PEOPLE's TEMPLE assets shou be the primary source of money for the burial of the remain unburied bodies. PEOPLE'S TEMPLE assets resulted, in significant part, from the assets of the victims, and in view of the extraordinary circumstances surrounding the present problem, those assets should be looked to for the burial of the PEOPLE'S TEMPLE dead.

Finally, as representative members of the religio community, we desire that the relatives and survivors of this tragedy, as well as others affected by it, continue to live in this City, and in other places, with as few scars as possible from this experience. For this reason, we have great concern that arrangements are made that utilize reputable services which refrain from commercializing on the situation. We hope that services are used in which

the relatives of the dead would find a comforting experience -- we also hope that services are used which relate well with the survivors, and the particular community to which the survivors may belong.

II. Elements of the Plan.

The ERC has gathered information as to costs and services, with regard to transportation, and with regard to morticians/funeral directors' services. We attach to this plan, in order that full disclosure may be made, all of the information we have gathered.

1. Transportation.

We have ascertained that the cheapest and most effective manner of transporting the bodies from Dover, Delaware, is by truck. Although we have received an oral bid of a "ballpark" figure of $19,500 from the ALL STATES TRUCKING COMPANY of Newark, Delaware, we have not obtained a written commitment from that company in response to our request for a written proposal.

The next cheapest proposal, and the one which meets the criteria of the committee in all respects, is the proposal of the LARMORE MOVING SYSTEMS COMPANY of Wilmington, Delaware. That proposal has been made in writing, and is attached in photocopy form as an exhibit to this plan. That proposal was made at the time when there were 582 bodies at Dover, and the bid is $55,440. (There are now 570 bodies at Dover, and it is not clear as to whether the bid remains at the same price, or would be reduced pro rata.) The considerable sensitivity, and sense of responsibility,

evidenced in the LARMORE proposal, as well as the cost, makes the LARMORE proposal the one that should be accepted. This bid is more than $92,000 cheaper than the lowest air transportation bid we received (from United Airlines), although that air-transportation bid was made on the basis of 599 bodies, which is 29 more than are currently at Dover. The LARMORE bid is also almost $5,000 less than the rail bid we received (from ARTRACK, and both the LARMORE bid and the rail bid were based on the same number of bodies (582). Also, rail transportation could not be accomplished in one shipment, but would involve shipping approximately five bodies per train, and would stretch over 100 days. It is clearly in the best interest of all concerned to ship all the bodies at the same time, and inter them as soon as possible.

For more specific information, see the attached transportation breakdown provided by Reverend JOHN O'CONNOR of the ERC.

2. Interment.

We are of the opinion that no package plan, submitted by anyone of the four package bidders (whose bids are attached) should be accepted.

Two of the four package bidders (ASSOCIATED FUNERAL DIRECTORS, INC., and the NEPTUNE SOCIETY) provided bids which were lower than the total cost-package-allowance for claimed bodies, recommended by the ERC. One of the four package bidders (ASSOCIATED FUNERAL DIRECTORS, INC.) provided a bid which was lower than the total cost-package for unide.. tie'

bodies, recommended by the ERC. However, we are of the opinion that these packages do not meet the criteria that we have generally outlined.

The bids of the four package-bidders average out to $400.66 for ASSOCIATED FUNERAL DIRECTORS, INC., $500.00 for the NEPTUNE SOCIETY, $1,560.00 for PINLEY ENTERPRISES, and $726.73 for PAUL R. FULLER. (These figures were based on 599 bodies. Our information is that as of February 15, 1979, there were only 570 bodies at Dover. It is not clear whether the per body figure would still apply for these bidders, with the reduced number of bodies.)

The ERC recommends providing a cost-allowance, for use by next-of-kin who claim bodies, for obtaining individual services as desired by each next-of-kin. The recommended cost-allowance, for services of morticians/funeral directors and grave and endowment care, is $540.00 per body, and is based on the survey we have made of minimum costs in this area (attached). The ERC strongly recommends a plan which allows individuals who are claiming bodies, to have individual, private interment, and not be compelled to be part of one single mass proceeding.

The ERC recommends that unidentified bodies be buried together, in a cemetery within a relatively short distance from San Francisco. (We believe that the cemetery proposed in the ASSOCIATED FUNERAL DIRECTORS, INC. package - which is Hidden Valley Cemetery near Pacheco, California -- does not meet the criterion.) Accordingly, the ERC recommends SKYLAWN CEMETERY in San Mateo. There will be no morticians/

funeral directors costs for burial of the unidentified bodies, since the LAUMORE company will deliver the bodies directly to the cemetery, and the cemetery cost includes opening and closing the grave. Skylawn's cost per body (which includes endowment care and a concrete grave liner) is $349.00. (The Skylawn offer is attached.)

Our plan, of course, contemplates no expense for clergy. None is needed. Our clergy, and many cooperating clergy, will either provide services without cost, or request other clergy (as may be requested by next-of-kin) to do so. (It also appears that there will be an adequate number of voluntary pall-bearers from the community.)

There are approximately 50 identified bodies which need to be shipped to Los Angeles, and approximately 50 that need to be shipped to Ukiah. The trucking company will be able to send one truck to the Bay Area via the Ukiah area, and one truck to the Bay Area via the Los Angeles area. Bodies destined for burial in those places, may be loaded last, by the trucking company, in each truck, and may be off loaded in these areas.

With regard to mortuaries/funeral directors, and cemeteries, for claimed bodies, we recommend the use of those from the community who are best able to communicate with the families and do so at a reasonable cost. Mr. Fuller has listed several black morticians in his general package-bid-plan, and we believe that they fulfill this general criterion, as do 27 other morticians in San Francisco who met with the BRC representative. The recommended individual allowance of

the amount of $540.00 should be made available for morticians/ funeral directors' services, including grave and endowment care, for next-of-kin who claim bodies -- but only such part of that amount as is actually expended for such services -- per body.

3. Reimbursement.

The ERC believes that in justice, and in equity, it is only fair to provide an amount of reimbursement for the families who have already been to the burial of their dead. We have gathered information which shows that many of them had to borrow and go deeply into debt in order to accomplish such burials. We should not penalize those families, who did not wait until the court acted, in seeing to the burial of their dead. Further, of course, many of the already buried victims (or their relatives) provided monies which became part of the PEOPLE'S TEMPLE pool of assets. Accordingly, the Court should approve reimbursement in at least the amount authorized for the unburied claimed bodies. Many of the ERC members feel that an additional amount should be provided for those who have already buried their dead, because their shipping costs (at the least) were much greater than those we have been able to arrange.

III. GOVERNMENTAL PARTICIPATION

The ERC gratefully acknowledges the generous assistance of the United States Department of State, which has cooperated fully in the continuing work on this matter. The State Department will assist in providing all necessary permits for the truckers to bring the bodies across the

country. The USG, which has custody of the bodies, will release them upon the signature of the appropriate person on the release form attached to this Plan. It should be noted that this release form involves an assumption of liability by the person signing it. It is assumed that the funeral director who will be used will sign the form (or the cemetery director in the case of the unidentified).

The ERC also gratefully acknowledges the generous assistance of Congressmen Evans (of Delaware), Phillip Burton (of California), and McCloskey (of California), as well as Senators Cranston and Hayakawa, and Mayor Feinstein of the City and County of San Francisco.

IV. NUMBERS.

At this writing, our information is that there are 570 bodies remaining at Dover. Of those bodies, 255 are unidentified. (Of the identified, 79 next-of-kin have indicated in writing that they authorize the State Department to dispose of the bodies. Accordingly, those bodies could be treated in the same manner as the unidentified remains.) The total cost of implementation of this plan, (1) assuming that $540.00 is paid for mortician's services and graves for the 236 bodies which are identified and are expected to be claimed, and (2) assuming $349.00 is paid for the grave for each unidentified body (and for each of the 79 bodies which will be interred in the same manner as the unidentified bodies), and (3) assuming $55,440 is paid to the LARMORE Company for transportation, is $302,786.

If reimbursement is provided, in the per-body

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The SRC also gratefully acknowledges the generous assistance of Congressmen Evans (of Delaware), Phillip Burton (of California), and McCloskey (of California), as well as Senators Cranston and Hayakawa, and Mayor Feinstein of the City and County of San Francisco.

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If reimbursement is provided, in the per-body

unidentified bodies, and the USC will provide those death certificates to whoever implements the plan.

WHEREFORE, the ERC respectfully requests the Court to adopt its recommendations above set forth, and order the implementation of the Plan by the Receiver.

DATED: February 16, 1979.

EMERGENCY RELIEF COMMITTEE
Amicus Curiae

By _____
RABBI MALCOLM SPRUNK
Co-Chair

By _____
FR. JOEN O'CONNOR
Co-Chair

By _____
PASTOR ROLAND GRUEN
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